

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

L M,)
)
 Plaintiff,) Case No. 18-1668
 v.)
) Circuit Court of the 3rd Judicial Circuit
 SOUTHERN ILLINOIS UNIVERSITY) Madison County, Illinois
 AT EDWARDSVILLE (SIUE) and) Case No. 2018MR000302
 RANDALL G. PEMBROOK, in his)
 official capacity as Chancellor of SIUE,)
)
 Defendants.)

NOTICE OF REMOVAL

COME NOW Defendants Southern Illinois University at Edwardsville (SIUE) and Randall G. Pembrook (“Defendants”), by and through their attorneys, TUETH KEENEY COOPER MOHAN & JACKSTADT, P.C., and pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, hereby remove the above-captioned case from the Circuit Court for the 3rd Judicial Circuit, Madison County, Illinois, to the United States District Court for the Southern District of Illinois. In support of this removal, Defendants state as follows:

1. On or about July 23, 2018, Plaintiff L.M., (“Plaintiff”) filed a Complaint (the “Complaint”) in the Circuit Court for the 3rd Judicial Circuit, Madison County, Illinois, Case No. 2018MR000302.
2. Defendants were served with summons and the Complaint on August 2, 2018.
3. This Notice of Removal is timely under 28 U.S.C. § 1446(b) as this Notice is being filed “within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief.”

4. Pursuant to 28 U.S.C. § 1446(a), attached to this Notice of Removal is a complete copy of “all process, pleadings, and orders” served upon Defendants. These documents are attached hereto and filed herewith as **Exhibit A**. Defendants have not been served with any other papers, pleadings, or orders in this matter.

5. Defendants have not filed an Answer or otherwise responded to Plaintiff's Complaint.

6. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one that may be removed to this Court by Defendants pursuant to the provisions of 28 USC §1441(a) in that it arises under Title IX of the Education Amendments of 1972, 20 USC §§ 1681-1688, and Section 1983 of Title 42 the U.S. Code, 42 USC § 1983.

7. This Court has supplemental jurisdiction over Plaintiff's state law claim (Count VI) pursuant to 28 U.S.C. § 1337.

8. This action is not an action described in 28 U.S.C. §1445(a) through (d).

9. Pursuant to 28 U.S.C. § 1446(d), promptly after the filing of this Notice of Removal, the undersigned shall file a copy of this Notice of Removal with the Clerk of the Circuit Court for the 3rd Circuit, Madison County, Illinois. A copy of said Notice to the Clerk is attached hereto and filed herewith as **Exhibit B**.

10. Pursuant to 28 U.S.C. § 1446(d), promptly after the filing of this Notice of Removal, the undersigned shall give written notice to all adverse parties, through Plaintiff's counsel of record. A copy of said Notice to Plaintiffs is attached hereto and filed herewith as **Exhibit C**.

11. Defendants, by this Notice, have satisfied all jurisdictional requirements for the removal of this action from the Circuit Court for the 3rd Judicial Circuit, Madison County, Illinois, to the United States District Court for the Southern District of Illinois.

12. Also filed with this Notice of Removal is the Civil Cover Sheet.

WHEREFORE, Defendants Southern Illinois University at Edwardsville (SIUE) and Randall G. Pembrook give notice that the above-captioned action, initiated in the Circuit Court for the 3rd Judicial Circuit, Madison County, Illinois, is hereby removed to the United States District Court for the Southern District of Illinois, for the reasons set forth above.

Respectfully submitted,

**TUETH, KEENEY, COOPER, MOHAN
& JACKSTADT, P.C.**

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